

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 5, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAC-23811 - APPLICANT: CITY OF LAS VEGAS - OWNER: KYLE ACQUISITION GROUP, LLC

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

1. The limits of this Petition of Vacation shall be defined as the Bureau of Land Management Right-of-Way Grant for the Northern Beltway (AKA the Sheep Mountain Parkway), from Grand Teton Drive to Moccasin Road.
2. This Petition of Vacation shall not record until the Northern Right-of-Way (Section 1 Land), those parcels within Providence needed for the Northern Beltway (Providence Land) and the Kyle Canyon On-Property land has been dedicated to the City of Las Vegas on the Kyle Canyon Parent Final Map for the Northern Beltway in accordance with Section 7.05 of the Kyle Canyon Development Agreement approved by City Council on May 16, 2007.
3. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
4. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
5. All development shall be in conformance with code requirements and design standards of all City Departments.
6. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right of way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right of way or easement being vacated must be retained.

7. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Petition to Vacate a Bureau of Land Management right-of-way grant generally located north of Grand Teton Drive, south of Moccasin Road, between Puli Road and Fort Apache Road.

The area proposed to be vacated is the original and existing alignment of Mountain Edge Parkway, a planned multimodal transportation corridor for the northwest valley. This vacation request is made under the direction of the Kyle Canyon Development Agreement, which favored a northern alignment of the Parkway.

Staff recommends approval of the request, as there are no conflicts with any existing city requirements and the request carries out a mandate of the agreement between the city and the Master Developer.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/18/04	The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-3453) to update the circulation system for the Centennial Hills area north of Cheyenne Avenue, south of Moccasin Road, east of Puli Road and west of Decatur Boulevard. The Planning Commission and staff recommended approval.
07/19/06	The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-13365) to add an alternate alignment for Mountain Edge Parkway as a Freeway/Expressway. The Planning Commission and staff recommended approval.
05/16/07	The City Council approved a Development Agreement (DIR-21605) for the Kyle Canyon Development on approximately 1,712 acres at the southwest corner of Fort Apache Road and Moccasin Road. The Planning Commission and staff recommended approval.
05/16/07	The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-21013) to select the northern alternative freeway/expressway alignment known as Mountain Edge Parkway as the permanent alignment on the Master Plan of Streets and Highways and to remove the southern alternative freeway/expressway alignment from the Master Plan of Streets and Highways between Grand Teton Drive and Fort Apache Road.

08/15/07	The Planning Commission approved a Tentative Map (TMP-22586) for a 213-lot mixed-use subdivision on 1,712 acres generally located north of Grand Teton Drive, south of the Moccasin Road Alignment, between Shaumber Road on the west and Fort Apache Road on the east. Staff recommended approval.
09/11/07	A Final Map (FMP-24541) known as Kyle Canyon Gateway was submitted for staff review. This is the parent map for a 110-lot mixed use subdivision on 1,712 acres generally located north of Grand Teton Drive, south of the Moccasin Road Alignment, between Shaumber Road on the west and Fort Apache Road on the east. This map has not yet recorded.
11/08/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #30/ss).
<i>Related Building Permits/Business Licenses</i>	
There are no related permits or licenses associated with this area.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this request, nor was one held.	
<i>Neighborhood Meeting</i>	
06/07/06	<p>A neighborhood meeting is not required for this application; however, an informational open house was held at the Mountain Crest Community Center (4701 North Durango Drive) in conjunction with the city's request to add an alternate alignment for Mountain Edge Parkway in 2006. Thirty-eight persons were in attendance, not including city staff. Exhibits, including proposed cross-sections, alignments, land use and zoning maps were displayed. City staff was available to provide information and answer questions. Attendees were provided the opportunity to submit written comments. Comments included the following:</p> <ul style="list-style-type: none"> • Concerned about noise impacts the beltway would have on surrounding residences. Would support a beltway lower than natural grade level to control the noise. • The facility is not needed at this location and the expense is unjustified. • Move the southern end of the project to the Lone Mountain/215 intersection, as the current proposal would add noise and traffic near existing homes.
11/02/06	City of Las Vegas Department of Public Works staff presented the two alignments of the Mountain Edge Parkway (northern/southern) at the Ward 6 Information Fair at Thompson Elementary School.
<i>Field Check</i>	
08/23/07	The site is undeveloped with desert vegetation. There are several public notice signs posted for the Kyle Canyon casino proposal.

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-D Traditional Development District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-D Traditional Development District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DESCRIPTION

The area proposed to be vacated consists of the following:

A strip of land (“Strip”) being approximately fourteen thousand one hundred thirty feet (14,130’) long and five hundred feet (500’) wide, running generally northeasterly and southwesterly; said strip of land being a portion of Sections 1 and 12, Township 19 South, Range 59 East, M.D.M. and of Section 6, Township 19 South, Range 60 East, M.D.M.

The East Half (E½) of the East Half (E½) of Government Lot 6, excepting the portion thereof described as “Strip” above; said property being a portion of Section 12, Township 19 South, Range 60 East, M.D.M.

The West Half (W½) of Government Lot 7, excepting the portion thereof described as “Strip” above; said property being a portion of Section 12, Township 19 South, Range 60 East, M.D.M.

The area within Government Lot 13 bounded on the northwest by the portion thereof described as “Strip” above, on the east by the west line of the East Half (E½) of the East Half (E½) of said Government Lot 13, and bounded on the south by the south line of said Government Lot 13; said area being a portion of Section 12, Township 19 South, Range 60 East, M.D.M.

A portion of Government Lot 19; said lot being a portion of Section 6, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The City Council adopted the Consensus Map (MSH-3453) for the Centennial Hills sector of the city of Las Vegas on February 18, 2004. That amendment to the Master Plan of Streets and Highways included an alignment for a multimodal transportation corridor, referred to as the Mountain Edge Parkway. The purpose of the corridor is to preserve land for future infrastructure use, provide multimodal transportation access in the north Las Vegas Valley, enhance opportunities to meet long-range mobility needs, and promote integrated transportation and land use decision making.

On May 16, 2007, the City Council approved an alternative alignment of Mountain Edge Parkway from the original alignment, which is shown in Exhibit 'K' of the Kyle Canyon Development Agreement, also approved May 16, 2007. Section 7.05(a) of the Agreement requires the existing Bureau of Land Management Right-of-Way Grant to be vacated in favor of the northern alignment of Mountain Edge Parkway. The original Petition of Vacation was filed August 9, 2007, in conformance with the Agreement.

Staff recommends approval of the request, as there are no conflicts with any existing city requirements and the request carries out a mandate of the agreement between the city and the Master Developer. As a condition of approval, the Order of Vacation shall not record until several parcels of land are dedicated to the city through the Final Map for Kyle Canyon Gateway.

B) Public Works discussion

The following information is presented concerning this request to vacate certain public street rights-of-way:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Not applicable, as it is to vacate the existing Bureau of Land Management right-of-way grant for the City's Northern Beltway in favor of a more northern alignment.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the capacity won't be changed, only the alignment.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to vacate the existing southerly Northern Beltway alignment in favor of a more northerly alignment in accordance with the approved Kyle Canyon Development Agreement.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the Kyle Canyon Development Agreement/master planned community.*

- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *No, as long as the City acquires all of the necessary right-of-way for the new alignment of the Northern Beltway in accordance with the Kyle Canyon Development Agreement, Section 7.05.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 0

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 17 by City Clerk

APPROVALS 0

PROTESTS 0